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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,279	06/07/2001	Ritva Laijoki-Puska	1390-0124P	4240
2292	7590	06/20/2006		EXAMINER
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			KATCHEVES, BASIL S	
			ART UNIT	PAPER NUMBER
			3635	

DATE MAILED: 06/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/831,279	LAIJKI-PUSKA, RITVA	
	<b>Examiner</b>	<b>Art Unit</b>	
	Basil Katcheves	3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 18 April 2006.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 2,4-8 and 10-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 2,4-8,10-19 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                        |                                                                             |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____                                                |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|                                                                                                                        | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

Pending claims 2, 4-8, and 10-19 are examined below.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "confined but open" is indefinite. Correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 2, 4-8 and 10-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,709,099 to Blades et al.**

Regarding claim 4, Blades discloses a spatial structure, inherent with walls and a ceiling, arranged for leisure (abstract) comprised of several separate spaces having different uses and different regulated climates (column 3: lines 48-57), one of the climates being a Nordic type climate (frozen water in Abstract). However, Blades does not particularly disclose the use of rooms which are capable of simultaneously maintaining a different temperature than that of the Nordic like ice area. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include restrooms, eating facilities and utility rooms within the building, as these rooms are essential to operation of buildings and for housing people and commonly found within buildings. These rooms are inherently used at temperatures considered comfortable to people. Restrooms, utility rooms and eating facilities require a temperature which is higher than freezing.

Regarding claims 2, 5 and 13, Blades discloses separate spaces for different functions (column 3, lines 48-57) all enclosed in the same ice rink facility with temperatures which differ from each other.

Regarding claim 6, Blades discloses natural type areas (column 4, lines 25-30).

Regarding claim 7, Blades discloses a winter or summer temperature within the facility (Abstract- swimming or skating conditions are interchangeable).

Regarding claim 8, Blades discloses a space with water which includes an ice cover (column 9, lines 20-45).

Regarding claim 10, Blades discloses a method of presenting different climates from different geographies (Abstract- see ice skating and swimming features of facility).

The air being regulated to freeze water or to provide a comfortable atmosphere for swimming, all enclosed in a conventional building (column 10, line 52).

Regarding claim 11, Blades discloses the temperatures as changing in order to accommodate swimming, ice skating or other recreational activities.

Regarding claim 12, Blades discloses a pool structure having a refrigerating (column 9, lines 20-30) system.

Regarding claim 14, Blades discloses a transparent wall (fig. 1: 25) for observation.

Regarding claim 15, Blades discloses a heating and refrigeration system as disclosed in the claims above and found in column 9. Refrigeration systems and heat systems inherently generate excess heat, as do typical electrical and gas temperature control systems.

Regarding claim 16, Blades discloses more than one main section with at least one section including a refrigerated area (fig. 8: see ice rink area and adjacent building page 111).

**Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,709,099 to Blades et al. in view of Russian Patent RU 2,116,097 to Petrovich et al.**

Regarding claim 17, Petrovich discloses an enclosed area for sports which includes at least four areas having plants (Drawing 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Blades by adding plants in various areas, as disclosed by Petrovich, in order to increase the

aesthetics of the structure, as plants are commonly found inside buildings and frequently used to enhance the aesthetics of the interior.

Regarding claim 18, Blades discloses a pool.

**Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,709,099 to Blades et al. in view of U.S. Patent No. 6,488,590 to Katayama.**

Regarding claim 19, Blades discloses a facility for used for multi purpose recreation such as skating. However, Blades does not disclose a ski slope as one of the recreations. Katayama discloses an indoor ski slope (Abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Blades by inserting the ski slope of Katayama in order to simulate an outdoor skiing climate in areas without snow.

#### ***Response to Arguments***

Applicant's arguments filed 4/18/06 have been fully considered but are not persuasive. Regarding applicants arguments directed toward a building with rooms with simultaneously and differing climates, a new rejection based upon applicant's amendment is found above. Applicant argues that the use of the prior art is different than that of the instant application as referred in claim 12. The applicant should note that iced over water is disclosed by the prior art. The use of the iced over water is intended for skating, not fishing. However, as claimed, the prior art meets the structural

limitations of the claimed matter and is capable of having holes within the ice. As stated in the rejection of claim 4, differing temperatures are obviously found in the multi purpose recreational building of Blades wherein bathrooms, eating facilities and utility rooms are used, since these rooms have a warmer temperature than the ice rink temperature and would therefore be more similar to the temperatures of a warmer climate region, as claimed by the applicant. Applicant argues the combination of Blades with Petrovich but does not specifically mention why. These are both multipurpose facilities used in winter sports settings, being analogous in their use and structure, therefore their combination is proper.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Basil Katcheves whose telephone number is (571) 272-6846. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman, can be reached at (571) 272-6842.

BK

  
Basil Katcheves

6/15/06

Primary Examiner, AU 3635